

04-05-02

Express Mail # EV093668568US

PATENT

Attorney Docket # 2132-49PCON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Janne LINKOLA

Serial No.: 09/915,009

Filed: July 25, 2001

For: Method and System For The Routing of Short Messages

Examiner: Not Yet Assigned  
Group Art: 2681

Assistant Commissioner for Patents  
Attn: Box Petitions  
Washington, DC 20231

RECEIVED  
APR 08 2002  
OFFICE OF PETITIONS

04/08/2002 GTEFFERA 00000066 09915009

PETITION

01 FC:128 1960.00 OP  
SIR:

This Petition is submitted pursuant to 35 U.S.C §118 and 37 C.F.R. §1.47(b) to request that the U.S. Patent and Trademark Office ("PTO") accept the filing of the above-identified U.S. Patent Application by Sonera Oyj, a corporation of Finland, *in lieu* of by the sole inventor, Janne Linkola, on the ground that Mr. Linkola has refused to sign the Declaration in support of the subject US application.

The undersigned, and other attorneys in the law firm of the undersigned, are the attorneys for Sonera Oyj (formerly known as Sonera Oy<sup>1</sup>), a corporation of Finland. The undersigned is empowered and has the authority to act on behalf of Sonera Oyj, which is the proper and lawful owner of the invention of the subject US application.

<sup>1</sup> The change of name of the Finnish company "Sonera Oy" to "Sonera Oyj" was an obligatory change when the company was listed on the Finnish Stock Exchange. An English-language translation of

04/08/2002 GTEFFERA 00000064 09915009

01 FC:128 130.00 OP

In brief, and as explained more fully below, (1) Mr. Linkola has refused to sign the Declaration in support of this application, despite repeated requests that he do so; (2) Mr. Linkola has already expressly assigned, for all countries, the invention which is the subject of this application to Sonera Oy (now Sonera Oyj) and has also expressly agreed, in the same document, (i) to execute any necessary documents required in connection with all domestic and foreign patent applications, i.e. including the U.S. application that is the subject of this Petition, and (ii) that Assignee Sonera Oy may if necessary execute such documents on Mr. Linkola's behalf; and (3) Mr. Linkola, as an employee of Sonera Oyj at the time that the invention was made, is in any event required, as a matter of Finnish statutory law, to assign the invention which is the subject of this U.S. application to Sonera Oyj.

On July 25, 2001, the undersigned filed (by U.S. Postal Service Express Mail) the papers necessary to obtain a filing date for a new U.S. patent application under 35 U.S.C. §1.53(b), based on the priority of Finnish patent application No. 990,135, filed January 25, 1999, and International (PCT) Patent Application No. PCT/FI00/00046, which had been filed on January 20, 2000 and in which the United States was properly designated. That Section 1.53(b) filing request was accompanied, *inter alia*, by an unexecuted Declaration of the sole inventor, Mr. Janne Linkola.

The Finnish priority application was filed by Sonera Oy (now Sonera Oyj) as applicant, and the International (PCT) priority application was filed by Sonera Oyj as applicant (for all countries except the United States, with respect to which Mr. Linkola was named as applicant). Both priority applications are directed to the same invention as that disclosed and claimed in the subject U.S. application. Mr. Linkola, as the sole inventor, executed on or about February 26, 1999 an Assignment of the Finnish priority application to Sonera Oy (a copy of that Assignment

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the extract for Sonera Oyj from the Finnish Register of Companies is attached as Exhibit 1 hereto.

document is attached to the Declaration of Markku Simmelvuo, Exhibit 2 hereto; another copy of the Assignment document is attached to the Declaration of Anni Vepsäläinen, Exhibit 3 hereto).

That Assignment of the Finnish priority application included the following statement:

"The assignment of the rights includes a transfer of the patent rights in all countries, as well as the right to use a convention priority of the Finnish patent application in all countries.

The assignee alone hereinafter has the entire disposal of the invention and possesses the entire ownership to any domestic and foreign patents granted thereafter. The assignor/s undertake/s to sign all documents necessary for taking out a patent and, furthermore, all such documents which may be required to assert rights transferred hereby.

If the assignor/s is/are prevented by any obstacles from signing said documents in person, this document of assignment shall be valid as a Power of Attorney for the assignee or for whom the rights have been transferred to sign these documents on behalf of the assignor/s or in the event of the death of the latter, the estate thereof."

(See the Assignment attached to the Exhibit 2 Declaration of Markku Simmelvuo and to the Exhibit 3 Declaration of Anni Vepsäläinen.)

As noted above, the U.S. application which is the subject of this Petition was filed on July 25, 2001 and was accompanied on filing by an unexecuted Declaration of the sole inventor, Mr. Janne Linkola. The unexecuted Declaration identified the undersigned and other members and employees of undersigned's law firm (Cohen, Pontani, Lieberman & Pavane) as the record attorneys for the application, and identified undersigned's law firm as the mailing address for all correspondence in connection with the application.

On July 27, 2001, the undersigned sent a letter to European patent attorney Markku Simmelvuo of the Finnish law firm Papula Oy, confirming the filing of the application in the PTO by Postal Service Express Mail on July 25, 2001. (We correspond with Sonera Oyj through the Finnish law firm Papula Oy, from whom we also receive the instructions of Sonera Oyj.) Our letter

of July 27, 2001 enclosed a copy of the application as filed in the PTO on July 25, 2001, and stated that a further Declaration and Power of Attorney for execution by inventor Linkola would be forwarded to Mr. Simmelvuori upon receipt from the PTO of the return receipt postcard reporting the Serial Number that had been assigned to the application. A copy of that July 27, 2001 letter (but omitting the copy of the application as filed, and our firm's bill for services rendered, accompanied that letter) is attached as Exhibit 4 hereto.

On September 5, 2001 - having received back from the PTO the return receipt postcard which had been filed with the application papers on July 25, 2001 and now bearing the Serial Number (09/915,009) that had been assigned to the application - the undersigned sent a further letter to European patent attorney Markku Simmelvuori of the Finnish law firm Papula Oy, informing of the Serial Number and filing date that had been assigned to the U.S. application and forwarding with that letter a Declaration and Power of Attorney document, identifying the application by Serial Number and filing date, for execution by the inventor Janne Linkola. (Since a copy of the application as filed had already been sent to Mr. Simmelvuori with our letter of July 27, 2001 (Exhibit 4), a further copy of the application as filed was not forwarded with our letter of September 5. A copy of the September 5, 2001 letter to Mr. Simmelvuori is attached as Exhibit 5 hereto.

On September 4, 2001, a paper entitled "Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b)", noting the lack of an executed Oath or Declaration of the inventor in the papers filed with the subject U.S. patent application, was mailed to the undersigned by the PTO. That Notice was received by undersigned's law office on September 6, 2001. A copy of that Notice, as received on September 6, 2001, is attached as Exhibit 6 hereto.

On September 12, 2001, the undersigned informed European patent attorney Markku Simmelvuo of our receipt of the Notice to File Missing Parts, and provided Mr. Simmelvuo with an accompanying copy of the Notice, by fax. (A copy of the September 12, 2001 fax - on which additional notations indicating the dates on which the fax was resent to Mr. Simmelvuo as a reminder of the extended deadline(s) for filing of the executed Declaration - is attached as Exhibit 7 hereto.)

Sonera Oyj has made repeated attempts to obtain the signature of the sole inventor, Mr. Linkola, on the Declaration relating to the subject U.S. patent application. As reported by Anni Vepsäläinen, a senior Vice President of Sonera Oyj, in her attached Affidavit, Sonera Oyj first forwarded a copy of the U.S. application and the accompanying Declaration and Power of Attorney document to inventor Linkola for execution in or about July, 2001. Despite Sonera Oyj's repeated efforts to obtain the signature of Mr. Linkola on the required Declaration and Power of Attorney, and repeated promises by Mr. Linkola to sign the Declaration, the inventor has refused to sign the document and thereby necessitated the filing of this Petition. (See the Declaration of Anni Vepsäläinen, Exhibit 3 hereto.)

Inventor Janne Linkola's last-known, and on information and belief his current, address is Oikokatu 9 A 3, FIN-00170 Helsinki, Finland. All communications with Mr. Linkola seeking his signature on the Declaration for the subject U.S. application have been directed to that address.

Mr. Linkola is under a duty, as a matter of law, to assign the subject U.S. patent application to Sonera Oyj as a direct consequence of his employment by Sonera Oy/Sonera Oyj. The attached Exhibit 2 Declaration of European Patent Attorney Markku Simmelvuo, of the Finnish patent firm Papula Oy, states that under Finnish statutory law an employee's inventions are owned

by the employee, in this case Sonera Oyj. Attached to the Exhibit 2 Declaration of Mr. Simmelvuo is a Certification evidencing the employment of inventor Linkola by Sonera from June 1, 1993 to July 22, 2001 - a period that clearly includes the time that the invention of the priority Finnish patent application, and correspondingly of the subject U.S. application, was made.

In addition, as also noted above, Mr. Linkola has already expressly assigned the underlying priority Finnish patent application to Sonera Oyj (see the attachments to Exhibits 2 and 3), and in that assignment document (i) assigned "the patent rights [to the invention] in all countries", (ii) acknowledged that the assignee (Sonera) "possess[es] the entire ownership to any domestic and foreign patents" thereafter filed and granted on the invention, (iii) agreed "to sign all documents necessary" to enable the assignee Sonera to obtain domestic and foreign patents on the invention, and (iv) granted to the assignee Sonera a "Power of Attorney" permitting Sonera to execute documents on behalf of Mr. Linkola, in connection with the obtaining of domestic and foreign patents on the invention, in the event that Mr. Linkola is unavailable or unable to do so. Accordingly, Sonera is clearly already the express owner of the subject U.S. application, and has the express right to execute the documents in connection with the subject U.S. patent application on behalf of the inventor, Janne Linkola.

Thus, Sonera Oyj is the proper, legitimate and lawful owner of the invention set forth in the subject U.S. patent application and, since Mr. Linkola as sole inventor of that invention has refused to sign the Declaration in support of the U.S. application, Sonera Oyj is the proper and permitted party to sign the Declaration and file the subject application in *lieu* of Mr. Linkola.

Also attached, as Exhibit 8 hereto, is a Declaration and Power of Attorney for the subject U.S. patent application which has been signed by the General Counsel (Maire Annikki Laitinen) and Ass. General Counsel (Tiia Silja Kristiina Tuovinen) of Sonera Oyj. These two

individuals are listed on the Commercial Register for Sonera Oyj as expressly authorized to sign such documents on behalf of Sonera Oyj, so long as at least two of the listed individuals sign the subject document. (See Exhibit 1 hereto) Thus, the attached Exhibit 8 Declaration and Power of Attorney is properly signed by Sonera Oyj on behalf of the sole inventor, Janne Linkola.

Sonera Oyj, as the lawful and legitimate owner of the invention which is the subject of the U.S. patent application to which this Petition is directed, will suffer irreparable damage unless it is permitted to sign the Declaration and file the U.S. application *in lieu* of the non-signing, sole inventor Janne Linkola. Such irreparable damage is evidenced and established in this case in that the July 25, 2001 filing date of the U.S. application was the final day on which the U.S. application could have been filed in the United States to maintain the priority of Finnish Application No. 990,135 of January 25, 1999. Loss of that priority would now result in a statutory bar to patent protection of the invention in the United States, since the International Application was published on August 10, 2000.

Based on the foregoing and the enclosed, it is respectfully requested that the U.S. Patent and Trademark Office grant this Petition and accept the filing of the subject U.S. patent application by Sonera Oyj *in lieu* of the sole inventor, Janne Linkola, pursuant to 35 U.S.C. §118 and 37 C.F.R. §1.47(b).

The undersigned hereby declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Serial # 5,009

Express Mail # EV093668568US

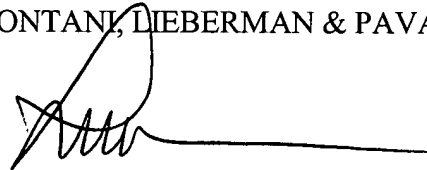
A check in the amount of \$1,960.00 in payment of the government fee for a five-month extension of time, a check in the amount of \$130.00 in payment of the government fee for the filing of "missing parts" in response to the September 4, 2001 Notice, and a check in the amount of \$130.00 in payment of the government fee for the filing of this Petition, are enclosed herewith.

Any additional fees or charges required at this time in connection with the subject patent application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Lance J. Lieberman  
Reg. No. 28,437  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: April 4, 2002



## NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND



EXTRACT FROM THE TRADE REGISTER

Trade name: Sonera Oyj

Business Identity Code: 1475607-9  
Trade Register Number: 740.009  
Company Registered: 30.06.1998  
Company Form: public limited company  
Domicile: Helsinki

## Company's Contact Information:

Mailing Address: PL 106, 00051 Sonera  
Visiting Address: Teollisuuskatu 15, 00510 Helsinki

## Register entries:

TRADE NAME (registered 01.10.1999)  
Sonera Oyj.

PARALLEL TRADE NAME (registered 01.10.1999)  
(English) Sonera Corporation.

DOMICILE (registered 30.06.1998)  
Helsinki.

## BOARD OF DIRECTORS (registered 30.05.2001)

Chairman:

Tapio Jussi Anselmi Hintikka

Ordinary members:

Jorma Tapio Laakkonen

Eva Helena Maria Liljeblom

Jussi Eerikki Länsiö

Roger Ensio Talermo

Esa Erkki Tihlilä

Tapio Johannes Vaahtokivi

Tom Wilhelm von Weymarn

Deputy members:

Kari Ilmari Vilkman

## OTHER MANAGEMENT (registered 11.10.2001)

Managing Director:

Harri Eerik Koponen

Substitute for the Managing Director:

Aimo Eloholma

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LEGAL REPRESENTATION (registered 03.07.1998)  
Under the Companies Act, the Company's name is signed by the Board of Directors.

SIGNING ON BEHALF OF THE COMPANY (registered 21.09.1998)  
According to the articles of association, the company's name is signed by the managing director on his own, and by two members of the board of directors together.

AUTHORIZATION TO SIGN FOR THE COMPANY (registered 05.09.2001)  
Aimo Eloholma  
Kim Juhani Ignatius  
Jari Vesa Jaakkola  
Maire Annikki Laitinen  
Kirsti Helinä Lehtovaara-Kolu  
Pekka Heikki Juhani Reijonen  
Esko Juhani Rytönen  
Leif Niklas Mikael Sonkin  
Juha Pekka Varelius  
Anni Kaarina Vepsäläinen  
Persons authorized to sign for the company sign two together or each of them separately together with a member of the board.

PROCURATION RIGHTS (registered 12.11.2001)  
Jari Juhani Kinnunen  
Jukka Erkki Kämäri  
Jukka Tapani Leinonen  
Sirikka Anneli Marjakangas  
Erkki Antero Oksanen  
Tapani Mikael Pökkä  
Lauri Pekka Takala  
Jorma Leo Tukia  
Tiia Silja Kristiina Tuovinen  
The holders of procuration sign the company name two together or each of them separately together with a member of the board or with a person authorized to sign the company name.

-----  
TRADE NAME HISTORY:

01.10.1999 - Sonera Oyj  
03.07.1998 - 30.09.1998 Sonera-yhtymä Oyj  
30.06.1998 - 02.07.1998 Telecom Finland Yhtymä Oy

Helsinki, 17 January 2002

For a true copy of the extract:

Tuija Surojegin  
Administrative Officer

Fee 91,50 euro

## STATEMENT

Sonera Oyj owns the rights to the invention "METHOD AND SYSTEM FOR THE ROUTING OF SHORT MESSAGES", a patent application concerning which is pending in the USA under the application number 09/915,009. A patent has been applied for the invention also in Finland under the application number FI 990135 and with an international patent application PCT/FI00/00046. These applications are also the priority applications of the above-mentioned U.S. application.

With the enclosed assignment the sole inventor, Janne Linkola, has transferred his rights to said invention "METHOD AND SYSTEM FOR THE ROUTING OF SHORT MESSAGES" to Sonera Oy. In the assignment it has been stated that the assignee gets a right to dispose the invention, and in addition, Mr. Linkola has promised to sign all the necessary documents that are needed in order to confirm the assignment.

In addition, the inventor Linkola has signed a power of attorney to the Finnish attorney of Sonera Oy (at present Sonera Oyj) Papula Rein Lahtela Oy (at present Papula Oy) for the international patent application PCT/FI00/00046 in order that one could also mention the USA in the international patent application. Enclosed is a copy of said power of attorney.

Enclosed please find an extract from the law about the employer's right to the inventions made by the employee with its translations into English. Section 4 of the law shows that if the invention was made when fulfilling the duties of the employee in employment, then the rights to the invention belong to the employer. This is very unambiguous, and based on this, the right to the invention belongs

clearly to the employer of Linkola. We enclose a copy of the work contract which shows that Linkola was in an employment relationship with Sonera Oy at the time the invention, i.e. the Finnish application FI 990135, was made.

Helsinki 28 March 2002



Markku Simmelvuo,

European patent attorney

PAPULA OY

## ASSIGNMENT

I/We hereby declare that I/we

Have assigned to

Janne Linkola

Sonera Oy

P.O.Box 106, FIN-00051 Sonera

(Teollisuuskatu 15, 00510 Helsinki, Finland)

my/our right to invention, priority, patent applications and patents, in all countries, on an invention

## SIIRTO

Vakuutan/Vakuutamme, että minä/me

Olen/olemmme siirtäneet yritykselle

oikeuteni/oikeutemme keksintöön, etuoikeuteen, patentihakemuksiin ja patenteihin kaikissa maissa seuraavaan keksintöön:

titled by / nimitys: **MENETELMÄ JA JÄRJESTELMÄ SANOMAN REITITTÄMISEKSI**

filed in Finland on / joka on pantu vireille Suomessa **25.1.1999**

having the filing number / hakemusnumerolla **990135**

and/or Sonera's case number / ja/tai Soneran asianumerolla **978**

The assignment of the rights includes a transfer of the patent rights in all countries, as well as the right to use a convention priority of the Finnish patent application in all countries.

The assignee alone hereinafter has the entire disposal of the invention and possesses the entire ownership to any domestic and foreign patents granted thereafter. The assignor/s undertake/s to sign all documents necessary for taking out a patent and, furthermore, all such documents which may be required to assert rights transferred hereby.

If the assignor/s is/are prevented by any obstacles from signing said documents in person, this document of assignment shall be valid as a Power of Attorney for the assignee or for whom the rights have been transferred to sign these documents on behalf of the assignor/s or in the event of the death of the latter, the estate thereof.

Oikeuksien siirto sisältää oikeuksien siirron kaikissa maissa ja oikeuden käyttää etuoikeutta suomalaisesta patentihakemuksesta kaikissa maissa.

Siirronsaajalla on tämän jälkeen keksintöön määräämisoikeus ja hänellä on omistusoikeudet kaikkiin kotimaisiin ja ulkomaisiin myönnettyihin patenteihin. Luovuttaja/luovuttajat lupaa/lupaavat allekirjoittaa kaikki tarpeelliset asiakirjat patentin luovuttamiseksi ja lisäksi kaikki asiakirjat, jotka vaaditaan oikeuksien siirron vahvistamiseksi.

Jos luovuttaja/luovuttajat on/ovat estyneet/estyneet allekirjoittamasta asiakirjoja henkilökohtaisesti, tämä siirtoasiakirja on pätevä asiamiesvaltakirjana siirronsaajalle tai sille, jolle oikeudet on siirretty, näiden asiakirjojen allekirjoittamiseksi luovuttajan/luovuttajien tai jälkimmäisen/jälkimmäisten kuoleman tapauksessa, sen/niiden kuolinpesän puolesta.

Place and date / Paikka ja aika

Signature of the assignors / Luovuttajan/jien allekirjoitus

Clarification of signature/s Allekirjoituksen selvennys

Address of the assignor/s Luovuttajan/jien osoite

Janne Linkola

Oikokatu 9 A 3

00170 Helsinki

26.7.1999

Patents, Trade Marks and Designs  
Patente, Warenzeichen und Muster

VALTAKIRJA  
Täsen

FULLMAKT  
för

POWER OF ATTORNEY  
to

VOLLMACHT  
für

PAPULA REIN LAHTELA OY  
Patent and Trade Mark Attorneys  
P.O.Box 881, Fredrikinkatu 81 A, FIN-00101 Helsinki, Finland  
Telefax +358 9 3480 0830, 3480 0831

tai m. Sääntöjen valtuutetaan  
edustamaan miru/maitä

eller förordnas att representera  
mig/oss

or any one whom they may appoint  
to represent me/us

oder von ihnen ernanntem, mich/  
uns

kansainvälisessä patenttihakemuksessa  
MENETELMÄ JA JÄRJESTELMÄ SANOMAN  
REITITTÄMISEKSI PCT/FI00/00046

in international patent application  
METHOD AND SYSTEM FOR THE ROUTING OF  
A MESSAGE PCT/FI00/00046

etuoikeus/priority: 25.01.1999 - FI - 990135

ja kaikessa, mikä osaa, hakemusta,  
tässä jakamalla etuoikeus ja  
kaksi hakemusta ja hakemusten  
perusteella myönnettyjä suojaoi-  
keuksia koskee, kantamaan ja vast-  
taamaan.

och i allt vad beträffar ärendet, an-  
sökningen, därur avdelade och ut-  
brutna ansökningar och på grund  
av sagda ansökningar beviljade  
skyddsätter, förs talan och svara.

and in everything concerning the  
matter, application, applications  
therefrom branched off or divided  
as well as protective rights granted  
on said applications, to pursue  
suits and to reply.

zu vertreten und in allem, was die  
Sache, Anmeldung, davon abge-  
teilte oder ausgeschiedene Anmel-  
dungen sowie auf Grund derselben  
erteilte Schutzrechte betrifft, zu  
klagen und zu antworten.

Seattle

Palkka, päiväys ja  
hakijan allekirjoitus

Ort, datum och  
sökandens underskrift

Place, date and  
signature of Applicant

Ort, Datum und  
Unterschrift des Anmelders

Janne Linkola

Et vahvistusta  
Ingen legalisering  
No legalization  
Keine Beglaubigung



Rekisteröidyt patenttiasiamiehet  
Registered Patent Attorneys  
European Patent Attorneys

PAPULA and NEVINPAT offices,  
specialists in industrial property  
rights in Finland and the former  
USSR countries.

1 §

In this law, a consolidated corporation is used to refer to a consolidated corporation in accordance with chapter 6 of section 1 of the Bookkeeping Act (1336/1997), as well as to a municipality and municipal federation and companies under its authority as referred to in subsection 2 of section 5 and section 6 of chapter 1 of the Bookkeeping Act.

4 §

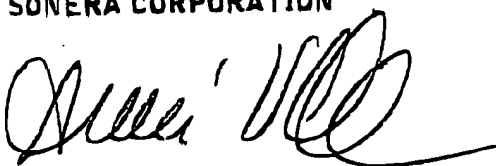
If the invention is a result of activities carried out in order to fulfill the duties of an employee, or by utilizing the experience gained in a company or organization of the employer or in one belonging to the same consolidated corporation with it, the employer has the right, provided that the utilization of the invention is included in the branch of business of the employer or in the one of a company belonging to the same consolidated corporation with it, to obtain the right to the invention either wholly or partially. If the invention was produced by the employee as a result of a duty more specifically defined in the employment, the employer has the aforementioned right, although the utilization of the invention is not included in the branch of business of the employer or in the one of a company belonging to the same consolidated corporation with it.

If it is a question about an invention the utilization of which is included in the branch of business of the employer or in the one of a company belonging to the same consolidated corporation with it but which was produced in connection with an employment relationship other than prescribed by subsection 1, the employer is entitled to obtain the right of use of the invention.

If the employer wishes to obtain a right to an invention referred to in subsection 2 that is wider than the one prescribed in it, or a right to an invention that was produced without a connection to an employment relationship but the utilization of which, however, is included in the branch of business of the employer or in the one of a company belonging to the same consolidated corporation with it, the employer has the priority to obtain the right in question by agreeing on it with the employee.

  
**sonera****CERTIFICATION OF EMPLOYMENT RELATIONSHIP**

I hereby certify that Janne Linkola (born on June 15th, 1968) was employed by Sonera Corporation from June 1st, 1993 to July 22th, 2001.

**SONERA CORPORATION**

Anni Vepsäläinen  
Senior Vice President



**IN THE US PATENT AND TRADE-MARK OFFICE**

**IN THE MATTER OF US 09/915,009 for the FI-990135, of 25 January 1999 "Method and system for the routing of short messages"**

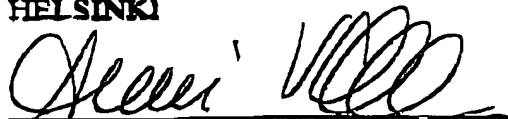
**AFFIDAVIT FOR THE ABOVE NOTED MATTER IN THE US PATENT AND TRADE MARK OFFICE**

1. *Anni Vepsäläinen* of Sonera Oyj, MAKE OATH AND SAY AS FOLLOWS:

1. I am employed by Sonera Oyj of Helsinki, Finland
2. I am currently overseeing the matter of the registration of US patent application US 09/915,009 for us
3. In January 1999, we filed a patent application FI 990135. The application was filed on 25 January 1999.
4. In 1999 we filed an international application under the Patent Co-Operation Treaty (hereinafter "PCT") claiming the Finnish filing date as the priority date.
5. We prepared the Finnish patent application FI 990135, and, the PCT-application, PCT/FI00/00046, under the direction of Mr Janne Linkola, employee of Sonera Oy at that time. Mr. Linkola was also the sole inventor of the subject patent. At the time, Mr. Linkola signed all documents on behalf of Sonera Oy.
6. According to Finnish law, and more specifically, to the statute of the Laws of Employees Inventions, all inventions created during the time of an individual's employment with a company, are property of the employer. Mr. Linkola must execute all documents which are needed to ensure the subject invention is patented because he was an employee of Sonera Oy and helped create an invention at the time. Attached hereto is an assignment. It serves as evidence to demonstrate the co-operation of Mr. Linkola prior to his decision not to execute documents needed for the subject patent.
7. According to the law and decree of employee inventions, Sonera Oy has the rights to the invention in question and Mr. Linkola is obliged to sign all the documents needed in the patenting process with respect of the invention.
8. Again referring to assignment, Mr. Linkola, confirms that the rights to the subject invention, under the Finnish law belong to Sonera Oy. By executing the patent document, he relinquishes his interests and rights to the invention.
9. Within 30 months of the priority date, 25 July 2001, the international application entered the national stage.
10. On or about July, 2001, we prepared declaration for the US national stage application. After completed, we delivered the declaration together with specification to Janne Linkola and did not receive a signed declaration. However, he has promised to sign the documents. Nevertheless since that time we have forwarded declaration documents to Janne Linkola and to this day have not received a response.

11. As I have not received any signed declaration, despite of many promises from Mr Linkola, I regard this as a refusal of signing a declaration.

HELSINKI



NAME:

Anni Vepsäläinen  
Senior Vice President  
Sonera Corporation

## ASSIGNMENT

I/We hereby declare that I/we

Have assigned to

Janne Linkola

Sonera Oy

P.O.Box 106, FIN-00051 Sonera

(Teollisuuskatu 15, 00510 Helsinki, Finland)

my/our right to invention, priority, patent applications and patents, in all countries, on an invention

## SIIRTO

Vakuutan/Vakuutamme, että minä/me

Olen/olemme siirtäneet yritykselle

oikeuteni/oikeutemme keksintöön, etuoikeuteen, patenttihakemuksiin ja patentteihin kaikissa maissa seuraavaan keksintöön:

titled by / nimitys: **MENETELMÄ JA JÄRJESTELMÄ SANOMAN REITITTÄMISEKSI**

filed in Finland on / joka on pantu vireille Suomessa **25.1.1999**

having the filing number / hakemusnumerolla **990135**

and/or Sonera's case number / ja/tai Soneran asianumerolla **978**

The assignment of the rights includes a transfer of the patent rights in all countries, as well as the right to use a convention priority of the Finnish patent application in all countries.

The assignee alone hereinafter has the entire disposal of the invention and possesses the entire ownership to any domestic and foreign patents granted thereafter. The assignor/s undertake/s to sign all documents necessary for taking out a patent and, furthermore, all such documents which may be required to assert rights transferred hereby.

If the assignor/s is/are prevented by any obstacles from signing said documents in person, this document of assignment shall be valid as a Power of Attorney for the assignee or for whom the rights have been transferred to sign these documents on behalf of the assignor/s or in the event of the death of the latter, the estate thereof.

Oikeuksien siirto sisältää oikeuksien siirron kaikissa maissa ja oikeuden käyttää enuoikeutta suomalaisesta patenttihakemuksesta kaikissa maissa.

Siirronsaajalla on tämän jälkeen keksintöön määräämisoikeus ja hänellä on omistus-oikeudet kaikkiin kotimaisiin ja ulkomaisiin myönnettyihin patentteihin. Luovuttaja/luovuttajat lupaa/lupaavat allekirjoittaa kaikki tarpeelliset asiakirjat patentin luovuttamiseksi ja lisäksi kaikki asiakirjat, jotka vaaditaan oikeuksien siirron vahvistamiseksi.

Jos luovuttaja/luovuttajat on/ovat estynyt/estyneet allekirjoittamasta asiakirjoja henkilökohtaisesti, tämä siirtoasiakirja on pätevä asiamiesvaltakirjana siirronsaajalle tai sille, jolle oikeudet on siirretty, näiden asiakirjojen allekirjoittamiseksi luovuttajan/luovuttajien tai jälkimmäisen/jälkimmäisten kuoleman tapauksessa, sen/niiden kuolinpesän puolesta.

Place and date / Paikka ja aika

Signature of the assignors /  
Luovuttajan/jien allekirjoitusClarification of signature/s  
Allekirjoituksen selvennysAddress of the assignor/s  
Luovuttajan/jien osoite

Janne Linkola

Oikokatu 9 A 3

00170 Helsinki

26.2.1999

COHEN, PONTANI, LIEBERMAN & PAVANE

COUNSELLORS AT LAW  
PATENTS, TRADEMARKS & COPYRIGHTS  
551 FIFTH AVENUE  
NEW YORK, NEW YORK 10176

MYRON COHEN  
THOMAS C. PONTANI, PH.D.  
LANCE J. LIEBERMAN  
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TEL: (212) 687-2770  
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YUNLING REN, PH.D.  
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ROGER S. THOMPSON  
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GEORGE J. BRANDT, JR.  
TEDDOR J. HOLMBERG  
F. BRICE FALLER



July 27, 2001

Markku Simmelvuo, Esq.  
Papula Oy  
Box 981  
SF-00101 Helsinki  
Finland

Re: New U.S. Patent Application  
For: Method and System for the Routing of Short Messages  
Your Ref.: 14832S  
Our File No. 2132-49PCON

Dear Markku:

Per your letter of 17 July 2001, we filed the above-identified patent application in the United States Patent and Trademark Office on 25 July 2001 in order to preserve the convention priority. A copy of the application as filed is enclosed as well as a copy of the Information Disclosure Statement.

Since the application was filed in unexecuted condition, we shall prepare and forward an appropriate Declaration and Power of Attorney and Assignment documents for execution by the inventor -- **Janne Linkola** -- upon receipt of our return postcard indicating the Serial No. that has been assigned to this application.

We shall then file the Declaration and Power of Attorney as soon as we receive a paper from the Patent and Trademark Office entitled "Notice to File Missing Parts - Filing Date Granted". As usual, we shall file the Assignment document upon allowance of the application.

Also enclosed is our invoice for services rendered in connection herewith.

In view of the disclosure rules of the U.S. Patent and Trademark Office, please provide us as soon as possible with a copy of all references mentioned in the application, if any, and of any

Markku Simmelvuo, Esq.

July 27, 2001

Page 2

additional prior art of which you are or may become aware, especially any prior art cited in a corresponding foreign application.

With best regards.

Very truly yours,

COHEN, PONTANI, LIEBERMAN & PAVANE

A handwritten signature in cursive script, appearing to read "Lance J. Lieberman", followed by a stylized flourish or set of initials.

Lance J. Lieberman

LJL/LAK  
Enclosures

COHEN, PONTANI, LIEBERMAN & PAVANE

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PATENTS, TRADEMARKS & COPYRIGHTS  
551 FIFTH AVENUE  
NEW YORK, NEW YORK 10176

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ROGER S. THOMPSON  
JEREMY A. KAUFMAN  
GEORGE J. BRANDT, JR.  
TEODOR J. HOLMBERG  
F. BRICE FALLER



September 5, 2001

VIA FAX NO. 011 358 9 3480 0630

Markku Simmelvuo, Esq.  
Papula Oy  
Box 981  
SF-00101 Helsinki  
Finland

Re: U.S. Patent Application  
Method and System for the Routing of Short Messages  
Your Ref.: 14832S  
Our File No. 2132-49PCON

Dear Markku:

Further to our letter of 27 July 2001, we are pleased to advise you that Serial No. 09/915,009 and a filing date of 25 July 2001 have been granted the above-identified patent application. In that regard, we are enclosing herewith an appropriate Declaration and Power of Attorney and Assignment documents for execution by the inventor. Please have Mr. Linkola sign and date both the Declaration and Power of Attorney and Assignment documents where indicated and then return the same to us. As of this date, we have not received from the U.S. Patent and Trademark Office entitled Notice to File Missing Parts - Filing Date Granted. This paper will indicate the time frame in which the Declaration and Power of Attorney must be filed in order to maintain the pendency of the patent application. As soon as we receive this paper, we will immediately forward a copy on to you.

Markku Simmelvuori, Esq.

September 5, 2001

Page 2

If you have any questions in the interim, please do not hesitate to contact me.

With best regards.

Very truly yours,

COHEN, PONTANI, LIEBERMAN & PAVANE

A handwritten signature in cursive script, appearing to read "Lance J. Lieberman".

Lance J. Lieberman

LJL/LAK  
Enclosures

## ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, I the undersigned, **Janne LINKOLA** (hereinafter referred to as "ASSIGNOR"):

Hereby sell, assign and transfer to **Sonera Oyj**, (hereinafter referred to as "ASSIGNEE"), a corporation of Finland, having a place of business at Teollisuuskatu 15, FIN-00820 Helsinki, Finland; its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, which was filed on July 25, 2001 and accorded Serial No. 09/915,009, and is entitled

### METHOD AND SYSTEM FOR THE ROUTING OF SHORT MESSAGES

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name, and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements;



execute all rightful oaths, assignments, powers of attorney and other papers, communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: X \_\_\_\_\_  
month/day/year

X \_\_\_\_\_  
Janne LINKOLA

X \_\_\_\_\_  
Witness

X \_\_\_\_\_  
Witness

## **DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### **METHOD AND SYSTEM FOR THE ROUTING OF SHORT MESSAGES**

the specification of which was filed on July 25, 2001 and accorded Serial No. 09/915,009.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I also acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 CFR 1.63(d), which occurred between the filing date of the prior application and the filing date of the continuation-in-part application, if this is a continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<b>Prior Foreign Application:</b>	<b>Country:</b>	<b>Finland</b>
	<b>Appln. No.:</b>	<b>990135</b>
	<b>Filed:</b>	<b>January 25, 1999</b>

<b>Prior Foreign Application:</b>	<b>Country:</b>	<b>PCT</b>
	<b>Appln. No.:</b>	<b>PCT/FI00/00046</b>
	<b>Filed:</b>	<b>January 20, 2000</b>

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

MYRON COHEN, Reg. No. 17,358; THOMAS C. PONTANI, Reg. No. 29,763; LANCE J. LIEBERMAN, Reg. No. 28,437; MARTIN B. PAVANE, Reg. No. 28,337; MICHAEL C. STUART, Reg. No. 35,698; KLAUS P. STOFFEL, Reg. No. 31,668; EDWARD M. WEISZ, Reg. No. 37,257; JULIA S. KIM, Reg. No. 36,567; VINCENT M. FAZZARI, Reg. No. 26,879; ALFRED W. FROEBRICH, Reg. No. 38,887; KENT H. CHENG, Reg. No. 33,849; ROGER S. THOMPSON, Reg. No. 29,594; GEORGE J. BRANDT, JR., Reg. No. 22,021; F. BRICE FALLER, Reg. No. 29,532; YUNLING REN, Reg. No. 47,019; DAVID J. ROSENBLUM, Reg. No. 37,709; ELI WEISS, Reg. No. 17,765; TONY CHEN, Reg. No. 44,607.

Address all telephone calls to Lance J. Lieberman, Esq. at telephone No. (212) 687-2770.

Address all correspondence to:

Lance J. Lieberman, Esq.  
Cohen, Pontani, Lieberman & Pavane  
551 Fifth Avenue, Suite 1210  
New York, New York 10176

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole or First Inventor: Janne LINKOLA**

Inventor's signature: X

Dated: X  
Month/Day/Year

Residence: **Oikokatu 9 A 3, FIN-00170 Helsinki, Finland**

Citizenship: **Finland**

Post Office Address: **Oikokatu 9 A 3  
FIN-00170 Helsinki, Finland**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/915,009	07/25/2001	Janne Linkola	2132-49PCON

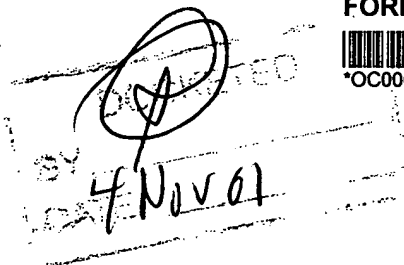
CONFIRMATION NO. 5161

## FORMALITIES LETTER



\*OC000000006506394\*

COHEN, PONTANI, LIEBERMAN & PAVANE  
Suite 1210  
551 Fifth Avenue  
New York, NY 10176



Date Mailed: 09/04/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

P04826080

**COHEN, PONTANI,  
LIEBERMAN & PAVANE**

551 Fifth Avenue (Suite 1210)  
New York, New York 10176  
Tel: 212-687-2770  
Fax: 212-972-5487



**Fax**

**REMINDER**

*17 November 2001  
27 November 2001  
27 December 2001  
27 January 2002  
27 February 2002*

**To:** Markku Simmelvuo

**From:** Lance J. Lieberman

**Fax:** 011 358 9 3480 0630

**Pages:** 1 (total number of pages)

**Re:** 14823 - 2132-49PCON

**Date:** Wednesday, September 12, 2001

☐ Confirmation will follow

☒ No confirmation to follow

We have now received a Notice to File Missing Parts, a copy of which is attached. The schedule is as follows:

- ✓ 11/04/01 - no file (except for \$130 late declaration fee)
- ✓ 12/04/01 - one month extension
- ✓ 01/04/02 - two month extension
- ✓ 02/04/02 - three month extension
- ✓ 03/04/02 - four month extension
- 04/04/02 - five month extension (final nonextendable due date)

We look forward to the receipt of the executed Declaration as soon as possible.

**Confidentiality Statement**

This transmission may contain information which is legally privileged or otherwise protected from disclosure. Its contents are confidential and intended for the addressee only, and must not be used, copied or disseminated by any person other than the addressee. The recipient is requested to notify the sender immediately of any error in transmission and to destroy any transmission not intended for the recipient.

**If all pages are not received  
or you otherwise experience transmission difficulties  
Please call us at (212) 687-2770**

**FAXED**  
*09/12/01*  
*[Signature]*



## UNITED STATES PATENT AND TRADEMARK OFFICE

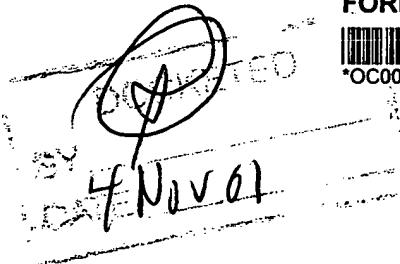
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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/915,009	07/25/2001	Janne Linkola	2132-49PCON

CONFIRMATION NO. 5161

## FORMALITIES LETTER

COHEN, PONTANI, LIEBERMAN & PAVANE  
Suite 1210  
551 Fifth Avenue  
New York, NY 10176



Date Mailed: 09/04/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

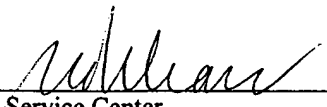
FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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